

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**UNITED STATES OF AMERICA** )  
                                    )  
                                    )  
v.                               )     **Case No.: 2:07CR262-WKW**  
                                    )  
**TOMMY LEE MOORE**          )

**SECOND MOTION TO CONTINUE TRIAL**

**COMES NOW** the Defendant, **TOMMY LEE MOORE**, by Undersigned Counsel, Donnie Bethel, pursuant to 18 U.S.C. §§3161 (h)(1)(A) and (h)(8)(B), and respectfully moves this Court to continue the trial of this matter currently set for August 18, 2008. In support of this Motion, Defendant would show the following:

1. On April 23, 2008, Magistrate Judge Susan Walker ordered Mr. Moore to voluntarily surrender to the United States Marshals Service on May 8, 2008, to be transported to a Bureau of Prisons facility for a competency evaluation. Mr. Moore surrendered as ordered, and deputies of the Marshals Service subsequently transported Mr. Moore to the Miami Detention Center.

2. Undersigned Counsel has spoken with doctors at the Miami Detention Center, who have informed him that they will not complete their evaluation of Mr. Moore by the presently scheduled trial date of August 18, 2008.

**WHEREFORE**, Mr. Moore respectfully requests that this Motion be granted and that the trial in this matter be continued from August 18, 2008.

Dated this 25<sup>th</sup> day of July 2008.

Respectfully submitted,

s/ Donnie W. Bethel  
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**CERTIFICATE OF SERVICE**

I hereby certify that on July 25, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Matthew W. Shepherd, Assistant U. S. Attorney.

Respectfully submitted,

s/ Donnie W. Bethel  
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